

REMARKS

Claims 1-14 are pending in the application. The Examiner has rejected Claims 3-5, 7, 9, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by Nanda et al. (U.S. Patent 5,842,113). The Examiner has rejected Claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over Nanda et al. in view of Chen et al. (U.S. Patent 6,373,823). The Examiner has rejected Claims 6, 8, 10, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Nanda et al. in view of Chen et al.

Nanda et al. discloses a method and apparatus for controlling transmission power in a forward link of a CDMA telecommunication system by generating a power offset value corresponding to the frame transmission rate. Chen et al discloses a method and apparatus for controlling transmission power in the mobile communication system, wherein the transmission power control is performed by comparing the measured signal to noise ratio (SNR) with a threshold value mentioned during a closed loop power control.

Regarding the rejection of independent Claim 1, however, the claim of the present application recites a method and apparatus for performing power control irrespective of whether there is data to be transmitted, in which a frame error rate of the signal to noise ratio (SNR) and data transmission during discontinuous transmission is tabulated and the transmission power adjustment is performed by referring to a reference table. In this regard, the offset value for controlling the transmission power differs according to the gating rate. This is a fundamental distinction from the offset value of Nanda et al. defined according to the transmission rate. The Examiner states in the Response to Arguments section of the Office Action that these arguments were not found persuasive. First, the Examiner has not addressed the argument directed to controlling the power control irrespective of whether or not there is data to be transmitted. It is respectfully requested that a proper response be provided for this element of the Claim 1, or in the alternative, allowance of the claim must be granted. Second, Applicants respectfully submit that the Examiner is missing the distinctions between the claims of the present application with that which is disclosed by Nanda et al. Claim 1 of the present application recites that, in


addition to whether or not there is data to be transmitted, the transmission power adjustment is based on both the frame error rate of the signal-to-noise ratio (SNR) and data transmission. Neither Nanda et al. nor Chen et al. discloses these elements. As neither Nanda et al. nor Chen et al. teaches or discloses, either alone or in combination, at least these elements, withdrawal of the rejection of Claim 1 is respectfully requested.

Regarding the rejections of independent Claims 3, 5, 7, 9, 11 and 13, as these claims recite elements similar to those recited above with respect to Claim 1, similar arguments apply. Based on the foregoing, withdrawal of the rejections of Claims 3, 5, 7, 9, 11 and 13 is respectfully requested.

Independent Claims 1, 3, 5, 7, 9, 11 and 13 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 4, 6, 8, 10, 12 and 14, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 4, 6, 8, 10, 12 and 14 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-14 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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